Single Bench

₹ 2600

(8)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4620 **/2004**

PETITIONERS

1. N.C. Nikam,
S/o. C.R. Nikam,
Aged about 53 years,
Presently working as
Assistant Manager,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

2. G.P. Upadhaya,
S/o. Shivdhari Upadhaya,
Aged about 50 years,
Presently working as
Assistant Manager,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Janjgir (C.G)

3. D.K. Jain,
S/o. Shri M.K. Jain,
Aged about 46 years,
Presently working as
Lower Division Clerk,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell)
H.O., Raipur (C.G.)

4. Basha Khan,
S/o. Shri Jamal Khan,
Aged about 40 years,
Presently working as
Lower Division Clerk,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
H.O., Raipur (C.G)

5. Gautam Bhattacharya,
S/o. Late Shri R.K.
Bhattacharya,
Aged about 48 years,
Presently working as
Accountant,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
H.O., Raipur (C.G)

6. Daulal Sahu,
S/o. Shri Tilu Ram,
Aged about 41 years,
Presently working as
Choukidar,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
H.O., Raipur (C.G)

P.R. No. 4616/04
Presented by Shri ... Ratri
dated 26.11.04

RECEIVED COPY 27/11/04
Clerk to A.G. Bilaspur

संयुक्त आयुक्त, बिलासपुर संभाग बिलासपुर

(9)

7. Ram Lakhan Bari,
S/o. Shri Shyam Lal,
Aged about 45 years,
Presently working as Choukidar,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
HO, Raipur (C.G)

8. Rikhi Ram Sahu,
S/o. Shri Pyarilal Sahu,
Aged about 44 years,
Presently working as Peon,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
HO, Raipur (C.G)

9. Bharat Lal Nishad,
S/o. Shri Sapuwa Nishad,
Aged about 51 years,
Presently working as
Technical Assistant,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur(C.G)

10. Ram Bhagat Sahu,
S/o. Shri Bihari Sahu,
Aged about 50 years,
Presently working as Helper,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

11. Khedanlal Sinha,
S/o. Bisauharam Sinha,
Aged about 51 years,
Presently working as Operator,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

12. Vishwanath Nishad,
S/o. Shri Makhan Lal Nishad,
Aged about 44 years,
Presently working as Choukidar,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

13. Ashok Kumar Sahu,
S/o. Shri Pardeshi Ram,
Aged about 38 years,
Presently working as Peon,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (CG)

(10)

14. Ram Narayan Yadav,
S/o. Shri Jugul Yadav,
Aged about 45 years,
Presently working as Operator,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

15. N.C. Jain,
S/o. Shri Makhan Lal Jain,
Aged about 42 years,
Presently working as Mechanic,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

16. Mohd. Hussain,
S/o. Shri Murtuja Hussain,
Aged about 56 years,
Presently working as Operator,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

17. A.K. Patel,
S/o. Ramadhar Patel,
Aged about 49 years,
Presently working as Choukidar,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Raipur (C.G)

18. Uttam Kumar Banjare,
S/o. Shri Punitram,
Aged about 41 years,
Presently working as Driller
Operator, C.G. State Agriculture
Mktg. (Mandi) Board (Agro Cell),
District Office, Durg (C.G)

19. Abdul Azij Khan,
S/o. Shri Abdul Jabbar Khan,
Aged about 5 years,
Presently working as Operator,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Durg (C.G)

20. Samaruram,
S/o. Shri Kalanath,
Aged about 52 years,
Presently working as Driver,
C.G. State Agriculture Mktg.
(Mandi) Board (Agro Cell),
District Office, Durg (CG)

(11)

21. J. Tirki,
S/o. Shri Polus Tirki,
Aged about 51 years,
Presently working as
Senior Accountant,
C.G. State Agriculture Mktg.
(Mandi) Board (Seed Cell),
H.O., Raipur (C.G)

22. D.K. Rajak,
S/o. Shri B.L. Rajak,
Aged about 43 years,
Presently working as
Senior Stenographer,
C.G. State Agriculture Mktg.
(Mandi) Board (Seed Cell),
H.O., Raipur (C.G)

23. J.B. Singh,
S/o. Late Shri M.T. Singh,
Aged about 46 years,
Presently working as
Senior Accountant,
C.G. State Agriculture Mktg.
(Mandi) Board (Seed Cell),
Jora, Raipur (C.G)

24. R.S. Mukhtiyar,
S/o. Shri V.S. Mukhtiyar,
Aged about 51 years,
Presently working as Store
Keeper Grade-I,
C.G. State Agriculture Mktg.
(Mandi) Board (Seed Cell),
Jora, Raipur (C.G.)

25. Shankar Lal Choudhury,
S/o.Shri Jagannath Choudhury,
Aged about 43 years,
Presently working as Driver,
C.G. State Agriculture Mktg.
(Mandi) Board (Seed Cell),
H.O., Raipur (C.G.)

26. Jagannath yadav,
S/o.Late Shri Ratanuram Yadav,
Aged about 43 years,
Presently working as Peon,
C.G. State Agriculture Mktg.
(Mandi) Board (Seed Cell),
H.O., Raipur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary,
Department of Agriculture,
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.)

(12)

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2. Managing Director,
Chhattisgarh State Agriculture
Marketing (Mandi) Board (Agro
Cell), Old Ganj
Mandi Premises, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS ETC.

XI-HC-22

(65)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... WP 4620/04 ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15.7.2005

Shri Ashish Shrivastava, Advocate for the petitioners.

Shri Arun Sao, Deputy Govt. Advocate for the respondent No.1.

Heard.

The petitioners, who are employees of the Chhattisgarh State Agriculture Marketing Mandi Board, have filed this petition under Articles 226 and 227 of the Constitution of India challenging the creation of 'Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam' vide the notification dated 7.7.2004.

Learned counsel for the petitioners submits that the petitioners apprehend that the petitioners may be transferred and posted in the 'Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam', which according to the petitioners, is running in loss. The petitioners further apprehend that their service conditions may be prejudiced in the case of their posting in the said Corporation.

Having heard learned counsel for the petitioners and perusing the records, I do not find that any order transferring and posting of the petitioners with the Corporation has been passed till date when the Corporation was created vide notification dated 7.7.2004. At present the petitioners cannot complain of infringement of any fundamental, legal or statutory rights. The petitioners have

(पीछे देखिये)

XI-HC-22

(66)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 4620/04 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

not made out any case for entertaining this petition under Article 226/227 of the Constitution of India in exercise of the extra ordinary jurisdiction of the High Court. Thus the petition is dismissed at this stage. However, it is made clear that the dismissal of this petition will not come in the way of filing of a writ petition, if any, if other cause of action arises on account of transfer or posting of the petitioners with the Corporation in future.

Consequently M(W)P No. 4938/2004 and I.A.No. 9219/2004 stand disposed of.

Sd/-
Satish K. Agnihotri
Judge

(पीछे देखिये)